

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
CESAR MERCEDES,

Plaintiff,

-against-

**23 CIVIL 4766 (VEC)(RFT)**

**JUDGMENT**

UNDERGROUND LIQUIDATION INC., doing  
business as MAGIC MATTRESS R US,

Defendant.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated October 1, 2024, that, except as to the \$5000 in damages for the Wage Notice claim, the R&R is adopted in full, and Plaintiff is awarded (1) \$177,688.62 in damages in unpaid wages, liquidated damages, statutory penalties, and pre-judgment interest; (2) reasonable costs of \$1,232.00; (3) \$17.70 per day in pre-judgment interest for every day after August 12, 2024, until the entry of final judgment amounting in total pre-judgment interest of \$902.70; and (4) post-judgment interest pursuant to 28 U.S.C. § 1961. Because the R&R gave the parties adequate warning, see R&R at 31, the failure to object to the R&R precludes appellate review of this decision. See *Mario v. P & C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.). Because appellate review is precluded, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and,

therefore, permission to proceed in forma pauperis for purposes of appeal is denied. Coppedge v. United States, 369 U.S. 438, 444-45 (1962). Accordingly, the case is closed.

**Dated:** New York, New York

October 2, 2024

**DANIEL ORTIZ**  
**Acting Clerk of Court**

**BY:**



---

**Deputy Clerk**